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Advancement of women

Trafficking in women and girls

Report of the Secretary-General**

Summary

Pursuant to General Assembly resolution 53/116 of 9 December 1998, the present report provides information about steps taken in several forums of the United Nations and at the regional and national levels, to implement the recommendations for action contained in that resolution. The report identifies areas in which further efforts are needed.

* A/55/150.

** The late submission of the present report was a result of the receipt of information requested by the Secretary-General.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 53/116 of 9 December 1998, on trafficking in women and girls, in which the Assembly requested the Secretary-General to report to it at its fifty-fifth session on the implementation of that resolution. The report is based, *inter alia*, on information contained in the replies to a request by the Secretary-General for information on the question, circulated during 2000 to Member States,¹ organizations of the United Nations system² and other intergovernmental organizations.³

2. Since the adoption of the above-mentioned resolution, trafficking in women and girls has been the focus of attention within the United Nations system, as well as at the regional and national levels. Trafficking has been the subject of a large number of consultations by Governments and non-governmental organizations, including a regional consultation of the 10 member countries of the Association of Southeast Asian Nations (ASEAN), international and regional intergovernmental organizations and non-governmental organizations held at Manila in March 2000 under the auspices of the Asian Regional Initiative Against Trafficking in Women and Girls (ARIAT). International and national non-governmental organizations and other members of civil society have been responsible for the creation of educational campaigns to prevent trafficking and sensitize communities to the existence of the issue and have been active in the provision of assistance and support to victims of trafficking. Trafficking in women and children for sexual exploitation has also been addressed in a number of reports and monographs, including the final report of an International Organization for Migration (IOM) and European Union project, entitled "Analysis of data and statistical resources available in the European Union member States on trafficking in women and children for the purposes of sexual exploitation", issued in June 1998, and the United States Department of Central Intelligence Monograph entitled "International trafficking in women to the United States: a contemporary manifestation of slavery and organized crime", published in April 2000.

3. The *Human Development Report, 1999*⁴ identified the trafficking of women and girls as one of the criminal activities that had increased with globalization, while the *Global Report on Crime and*

Justice, published by the United Nations Office for Drug Control and Crime Prevention in the same year, suggested that although statistics were limited, trafficking in women and children particularly affected countries of Asia, Europe and Latin America and, to a lesser extent, those in Africa.⁵ The attention that the issue has attracted over the past two years has led to the introduction of concrete measures at the national, regional and international levels to confront the issue. Nevertheless, further action is required at all levels to address what appears to be a growing problem. In particular, a mechanism is required within the United Nations system to coordinate action. In addition, the compilation and dissemination of successful interventions and strategies to confront the various dimensions of the problem, as called for by the General Assembly in its resolution 53/116, should be a priority.

II. National measures

4. Measures introduced by Member States to address trafficking in women and girls were summarized in the report of the Secretary-General on review and appraisal of the implementation of the Platform for Action,⁶ submitted to the third session of the Commission on the Status of Women acting as preparatory committee for the twenty-third special session of the General Assembly, on the theme "Women 2000: gender equality, development and peace for the twenty-first century" (E/CN.6/2000/PC/2 and Corr.2 and 3, paras. 313-319).

5. The report, based predominantly on replies of Member States to the questionnaire of the Secretary-General on implementation of the Platform for Action, draws attention to the educational campaigns directed at potential victims that have been implemented in several countries, and the establishment of national committees, task forces or plans of action to address the issue. Training for front-line agencies on how to address trafficking in women and children and the development of procedures in this context have also been introduced by several Member States, as have projects on counselling, guidance and support of women affected by trafficking.

6. The report also indicates that protective measures, including repatriation and airport assistance, have also been introduced by a number of countries, with one Member State having put in place pre-deployment programmes for those seeking to migrate

to work, as well as mandatory orientation programmes on migration in elementary and secondary school curricula. New laws which address trafficking, including that carried out through promises of employment or arranged marriages, have also been introduced by several States, with a number having amended their immigration legislation to grant victims of trafficking the possibility of limited residence permits for humanitarian reasons, and so that they can be available as witnesses during the prosecution of traffickers and file civil claims against them. Information is also provided in the report on the implementation of the Hague Ministerial Declaration on the European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation, adopted by the European Union Ministers for Equality and Justice in 1997, including implementation in the Netherlands and Sweden where, pursuant to the Declaration, a national rapporteur on trafficking has been nominated.

7. Information provided by Member States in response to the request of the Secretary-General also indicated that several Member States had created or continue to support coordinating bodies which address trafficking in persons.

8. Belgium reported that, in 1999, new general instructions were issued by the Minister of Justice to ensure the application of previous directives concerning trade in human beings and child pornography. The general instruction was aimed at ensuring the development of uniform policies in this context, and also envisaged the creation of a national database on trafficking based on standard data collection forms. Information on trafficking contained in the database will be made available to the Central Unit on Trade in Human Beings of the Central Bureau for Investigations which has been operative since 1992.

9. In Denmark, a public and international hearing on trafficking organized by the Equal Status Council, and the issuance by the Copenhagen police in 1999 of an operation plan to combat crime related to trafficking in women and prostitution, have been followed by the establishment by the Minister of Equality of an interdepartmental working group to strengthen and coordinate efforts in this area. In 1999, the Belarus Ministry of Internal Affairs created a new department responsible for such issues as trafficking. Since its establishment, an international seminar on trafficking in women and girls has been convened by that

department and it has become involved in gathering statistical information on the problem.

10. In Thailand, a memorandum of understanding on common guidelines of practices for agencies concerned where women and children are victims of human trafficking was agreed in 1999 with the aim of assisting women and child victims, including through the provision of temporary shelter and rehabilitation in their home countries. The Thai Department of Women also created a national secretariat on trafficking in women and children in the Mekong subregion. An inter-agency national committee was created in 1998 by the Mexican Government to carry out the plan of action against sexual exploitation which seeks, inter alia, to prevent trafficking in children and the reintegration of victims.

11. A number of Member States have developed strategies to assist victims of trafficking. In Austria, a victim protection facility has been established which supports trafficked women in psychological, health, legal and family matters and in their return to their countries of origin. In Belgium, for example, officially subsidized reception centres, offering psychological and social assistance, as well as legal aid, have been established in each region.

12. Eighty-four reception homes have been set up in Thailand and provide psychological assistance to victims for a six-month period. In addition, welfare protection and vocational development centres for women, which provide assistance and vocational training, including assistance for the victim's reintegration into society, operate in Thailand, while short vocational courses for vulnerable young women and former prostitutes are also provided as a preventive measure. Assistance in job placement is also provided, as are loans for income-generating projects.

13. Through its national programme of action for children, Mexico has provided assistance to repatriated minors, including through ensuring the safe and orderly return of those who migrated over the border. A network of shelters for minors has been established, and Mexican consulates have increased their protection efforts for women and children. In Ecuador, a pilot project with qualitative and quantitative investigation, prevention and assistance, law reform and social mobilization elements has been followed by the production of various outputs to combat trafficking. These include an investigation protocol, a model for

investigation, including a video portrayal of investigation, and the inclusion of sexual crimes in the new code on children and adolescents.

14. In September 1998, the Ukraine Cabinet of Ministries adopted a special programme to prevent trafficking in women and girls. Programme components include awareness-raising campaigns directed at vulnerable young women, which are conducted through social service centres, and the establishment of hotlines. More crisis centres are being established, and Ukraine has entered into an agreement with IOM on assistance to victims and exchange of information. Agreements with border States have also been reached with regard to the exchange of information, coordination of activity and mutual assistance to prevent trafficking.

15. In addition to legislation relating to the exploitation of prostitution and related crimes,⁷ specific provisions have been adopted in several Member States to combat trafficking. Article 21 of the Paraguayan Penal Code provides punishments for those involved in trafficking for the purposes of prostitution. The Paraguayan Adoptions Act 1997, which entered into force in 1999, includes specific provisions to preclude the kidnapping, sale and trafficking in children under cover of adoption. The Cuban Penal Code was modified in 1997 to include trafficking in persons,⁸ and in 1999 to address trafficking in minors.⁹ Amendments to the Mexican General Population Act, which entered into force in 1996, established severe penalties for trafficking of persons into and out of Mexico.¹⁰ In Cyprus, legislation to combat trafficking in human beings and the exploitation of children was enacted in January 2000.¹¹ This legislation introduces new penalties in this context, and extends the jurisdiction of Cypriot courts to hear cases and impose penalties extraterritorially. It also provides that activities connected with trafficking fall within anti-money-laundering legislation.¹² In addition, victims of sexual exploitation must be provided with a temporary residence and psychological and medical support, and they are entitled to compensation.

16. The Belgian Trade in Human Beings and Child Pornography Act, adopted in April 1995, introduced significant penalties for traffickers, while more recently Ministerial Directives provide for the protection of and assistance to victims who wish to make statements against those involved in their exploitation, which includes limited or permanent

residence permission. In Austria, a new statutory crime of exploitative trafficking was introduced in 1997,¹³ while the 1997 Aliens Act provides for limited residence permits for victims to allow them to testify in prosecutions against traffickers and to bring civil claims.¹⁴ In May 1999, Luxembourg adopted provisions to reinforce existing penal provisions on trafficking in women and the exploitation of children. The Thai Measures on Prevention and Suppression of Trafficking in Women and Children Act 1997 allows officials to detain trafficking victims for the purposes of factual clarification and provides that victims shall be given shelter and basic necessities before repatriation. In 1998, amendments to the Criminal Code of Ukraine defining trafficking as a criminal activity were introduced,¹⁵ while recent amendments to the Belarus Criminal Code, which are not yet in force, criminalize activities relating to sexual exploitation.

III. Measures taken within the United Nations system

17. Since the adoption of General Assembly resolution 53/116, a number of United Nations bodies have addressed the issue of trafficking in women and girls and several have made recommendations aimed at the prevention of trafficking and the reintegration of victims. While, in general, the activities of these bodies have focused on the adoption of resolutions and recommendations that reflect the need to take action to address trafficking in women and girls, there have also been significant efforts made by bodies of the United Nations system to translate these into action. At the operational level, United Nations action has been marked by a collaborative and cooperative approach, both with United Nations partners and other international and regional organizations, as well as non-governmental organizations.

A. Twenty-third special session of the General Assembly

18. At its twenty-third special session on the theme "Women 2000: gender equality, development and peace for the twenty-first century", the General Assembly, by resolution S-23/3 of 10 June 2000, adopted further actions and initiatives to implement the Beijing Declaration and Platform for Action. Building upon the Platform for Action, agreement was reached on a

number of new and strengthened actions to be taken at the national level with regard to trafficking. Governments were to take appropriate measures to address the root factors, including external factors that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening legislations with a view to providing better protection of the rights of women and girls and to punishing the perpetrators through both criminal and civil measures. Governments were to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in women and girls through a comprehensive anti-trafficking strategy consisting of, inter alia, legislative measures, prevention campaigns, information exchange, assistance and protection for and reintegration of the victims and prosecution of all the offenders involved, including intermediaries. They were also to consider preventing, within the legal framework and in accordance with national policies, victims of trafficking, in particular women and girls, from being prosecuted for their illegal entry or residence, taking into account that they are victims of exploitation. Further, they were to consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in violence against women, in particular trafficking.

19. The General Assembly also agreed that Governments, regional and international organizations, including the United Nations system and international financial institutions and other actors, as appropriate, should intensify cooperation between States of origin, transit and destination to prevent, suppress and punish trafficking in persons, especially women and children, and support the ongoing negotiations on the draft protocol on trafficking which supplements the draft United Nations Convention against Transnational Organized Crime. They were also to pursue and support national, regional and international strategies to reduce the risk to women and girls, including those who are refugees and displaced persons, as well as women migrant workers, of becoming victims of trafficking; strengthen national legislation by further defining the crime of trafficking in all its elements and

by reinforcing the punishment accordingly; enact social and economic policies and programmes, as well as information and awareness-raising initiatives, to prevent and combat trafficking in persons, especially women and children; prosecute perpetrators of trafficking; provide measures to support, assist and protect trafficked persons in their countries of origin and destination; and facilitate their return to and support their reintegration into their countries of origin.

B. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

20. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held at Vienna, from 10 to 17 April 2000. The disproportionately adverse impact that transnational organized crime, including trafficking, has on women and girls was addressed during the Congress workshop on women in the criminal justice system (see A/CONF.187/12 and A/CONF.187/L.6), while in the "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century" adopted by the Congress, Member States committed themselves to the development of more effective ways of collaboration with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and established 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated (see A/CONF.187/15).

C. Commission on Crime Prevention and Criminal Justice

21. At its eighth session, the Commission on Crime Prevention and Criminal Justice recommended the adoption by the Economic and Social Council of a number of resolutions relevant to trafficking in women and girls. These included Economic and Social Council resolutions 1999/20 of 30 July 1999, on the draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto, and 1999/23 of 28 July 1999, on the work of the United Nations Crime Prevention and Criminal Justice Programme. In resolution 1999/23, the Council noted, inter alia, the Centre's initiative, in cooperation with

the United Nations Interregional Crime and Justice Research Institute, in developing the global programme against trafficking in human beings, but stressed that it should be formulated on the basis of close consultation with Member States and review by the Commission on Crime Prevention and Criminal Justice.

D. Commission on Human Rights

22. The Commission on Human Rights, in its resolution 1999/40 of 26 April 1999,¹⁶ addressed the traffic in women and girls, expressing its grave concern at the increasing activities of transnational criminal organizations and others that profit from international trafficking in women and stressing the need for a global approach to eradicate such activity. It urged Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures. In that resolution, the Commission also called upon Governments, *inter alia*, to criminalize trafficking in women and girls in all its forms, while ensuring that the victims of those practices are not penalized, invited Governments to take specific steps to address trafficking, such as the development of programmes and the formulation of training manuals and encouraged relevant United Nations bodies and organizations, as well as the International Organization on Migration, to contribute in that regard, in cooperation with relevant intergovernmental organizations and non-governmental organizations.

23. Commission resolution 2000/44 of 20 April 2000¹⁷ contained many of the elements of the above-mentioned resolution but, in it, the Commission encouraged Governments to work for the early finalization of the draft United Nations Convention against Transnational Organized Crime, including the draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, and to give the draft Convention and the protocol a human rights perspective. It also noted with appreciation the efforts of participating Governments and intergovernmental and non-governmental

organizations at the Asian Regional Initiative Against Trafficking in Women and Children (ARIAT) meeting held at Manila in March 2000 to develop a regional action plan against trafficking in persons, especially women and children and encouraged other regional initiatives in that regard.

E. Subcommission on the Protection and Promotion of Human Rights

24. The Subcommission on the Protection and Promotion of Human Rights has continued to address trafficking through its Working Group on Contemporary Forms of Slavery. At its twenty-fourth session, the Working Group considered the issue following two days of consultations between its members, organizations of the United Nations system, and non-governmental organizations, which resulted in comprehensive recommendations, including basic principles to be observed at all levels, and on required national and international action (see E/CN.4/Sub.2/1999/17, paras. 13-34 and annex II).

25. In its resolution 1999/17 of 26 August 1999,¹⁸ on the report of the Working Group, the Subcommission: (a) urged States to devise and adopt comprehensive national plans of action against trafficking in persons, particularly for the purposes of prostitution, based on data collection, research and analysis, and in collaboration with non-governmental organizations; (b) encouraged States to collaborate with non-governmental organizations which have expertise in the field to develop national plans of action in accordance with the 1996 Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of Others (E/CN.4/Sub.2/1996/28/Add.1) to ensure the coordination of laws and implementing agencies and the empowerment of the victims and survivors; and (c) requested the Office of the United Nations High Commissioner for Human Rights to design guidelines for the elaboration of such national plans of action and, upon request, to provide technical assistance to States in the formulation of their national plan. The Subcommission also encouraged Governments, in elaborating the draft Convention against Transnational Organized Crime, including its draft protocol, fully to include a human rights perspective, and take into account work being done in other international forums.

26. As its twenty-fifth session, the Working Group again took up the issue of trafficking in persons,

emphasizing the vulnerability of several groups, including women and children in this context and expressing concern at the new types of trans-border trafficking and the connection between globalization, national immigration policies and trafficking. The main focus of the twenty-sixth session of the Working Group will be trafficking.

F. Draft United Nations Convention against Transnational Organized Crime

27. The Ad Hoc Committee on the Elaboration of the Convention against Transnational Organized Crime, established pursuant to General Assembly resolution 53/111 of 9 December 1998, began its work in January 1999 and has made significant progress in elaboration of the draft United Nations Convention against Transnational Organized Crime and its three protocols which address the illicit manufacturing of and trafficking in firearms; the smuggling of migrants by land, air and sea; and trafficking in persons, especially women and children. The latter instrument, a draft protocol to prevent, suppress and punish trafficking in persons, is the first attempt to address trafficking in persons in a comprehensive manner.

G. Human rights treaty bodies and other human rights mechanisms

28. A number of the human rights treaty bodies have considered trafficking in women and girls during the consideration of reports of States parties submitted under the respective treaties.

29. In its report submitted to the second session of the Commission on the Status of Women acting as preparatory committee for the twenty-third special session of the General Assembly, the Committee on the Elimination of Discrimination against Women identified trafficking in women and the exploitation of prostitution as serious challenges to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, but also noted that several States parties had introduced measures to address these problems, including extraterritorial legislation to facilitate prosecution of traffickers and laws to protect prostitutes (E/CN.6/1999/PC/4, paras. 24 and 29). During 1999, the Committee made specific

reference to trafficking and related exploitation in its concluding comments on China, Colombia, Georgia, Greece, Kyrgyzstan, Nepal and Thailand.¹⁹ It also addressed the issue in its concluding comments in 2000 with respect to Austria, Belarus, Germany, India, Lithuania, Moldova, Myanmar and Romania.²⁰ The concluding observations of the Human Rights Committee adopted with respect to Cambodia and Mexico, those of the Committee on Economic, Social and Cultural Rights adopted with respect to Germany and Italy and the Committee on the Rights of the Child adopted with respect to Cambodia, Georgia, Guinea, India, Kyrgyzstan, Mali, Mexico, the Netherlands, South Africa and Venezuela include recommendations to combat trafficking and regarding to the provision of support and assistance for victims.²¹

30. Several of the special rapporteurs of the Commission on Human Rights have continued to address the trafficking of women and children within the context of their respective mandates. The Special Rapporteur on violence against women, its causes and consequences submitted a report to the Commission on Human Rights at its fifty-sixth session on trafficking in women, women's migration and violence against women (E/CN.4/2000/68 and Add.1-5). In the report, the Special Rapporteur, *inter alia*, proposes a definition of trafficking in persons; addresses the root causes of trafficking; describes trafficking patterns; governmental, multilateral, bilateral and non-governmental responses to the issue; and elaborates recommendations directed at the international and national levels. Within the context of her mandate, the Special Rapporteur on the sale of children, child prostitution and child pornography has considered trafficking in children in her report submitted to the Commission on Human Rights at its fifty-fifth session (E/CN.4/1999/17 and Add.1), which had a special focus on sale and trafficking in children, while in her first report to the Commission on Human Rights, the Special Rapporteur on the human rights of migrants drew attention to the interface between migration and trafficking (see E/CN.4/2000/82). The Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia has drawn attention to evidence of trafficking and making specific recommendations in that regard (E/CN.14/2000/39, paras. 20-22).

H. Activities of the regional commissions, specialized agencies and other entities

31. Trafficking has been addressed by a number of United Nations entities. In the follow-up to the review of the implementation of the Platform for Action by the Economic Commission for Asia and the Pacific (ESCAP) High-level Intergovernmental Meeting to Review Regional Implementation of the Platform, ESCAP is currently updating a database on projects to confront trafficking and will continue to provide advisory services to countries on the issue. *The World's Women 2000: Trends and Statistics*,²² prepared by the Statistics Division of the Department of Economic and Social Affairs of the United Nations Secretariat, contains a section on trafficking and forced prostitution, prepared in collaboration with the Division for the Advancement of Women, while the Department of Public Information has produced several radio and television programmes on trafficking in women and girls, as well as articles on the issue.

32. The International Labour Organization (ILO) addresses the issue of trafficking in women and children within the context of its work on forced labour, child labour, migrants and migrant workers and the framework of its Conventions, a number of which are directly or indirectly relevant to the issue.²³ Notably, the Worst Forms of Child Labour Convention, 1999 (No. 182) specifically addresses trafficking in children and calls for measures to take account of the special situation of girls. The Recommendation that supplements the Convention provides further guidance for its effective implementation. Increasingly, trafficking, especially trafficking in children for purposes of prostitution, has been discussed by the ILO Committee of Experts on the Application of Conventions and Recommendations and the ILO Conference Committee on the Application of Conventions and Recommendations. The Committee of Experts has requested detailed information on actions taken against traffickers in individual countries, and has pointed to the importance of raising awareness about trafficking in all sectors of society. In the General Survey in the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) conducted in 1998, the Committee of Experts expressed concern at the phenomenon of labour migration as an aspect of irregular migration and noted that illegal migration was becoming highly organized

internationally and was linked to criminal activities including human trafficking. Pursuant to the recommendation of the Committee of Experts that the applicable legal instruments be revised and updated and perhaps merged into a single Convention so as to eliminate gaps, there was general agreement that the ILO Governing Body place the issue of migration on the agenda of the International Labour Conference.

33. Other ILO action to address trafficking has taken place through its International Programme on the Elimination of Child Labour and the Gender Promotion Programme, through which assistance has been provided to countries on programme design and implementation. Two subregional programmes in the Mekong region and South Asia to combat trafficking in children and women for labour exploitation have been implemented. These programmes include action-oriented research in Cambodia, China, the Lao People's Democratic Republic, Thailand and Viet Nam.

34. Activities of the United Nations Development Fund for Women (UNIFEM) have been focused on improving data and information systems relating to trafficking in women, and the strengthening of regional and national coalitions and networks. In March 1999, UNIFEM coordinated a mission to India to collect information on trafficking from non-governmental organizations, which resulted in the establishment at Mumbai, India, of an anti-trafficking centre to facilitate data collection and exchange, and training for governmental officials, including those working in law enforcement, and transport workers. In partnership with the United States Agency for International Development (USAID), UNIFEM has established a South Asian regional project for the prevention of trafficking in women and children which seeks to increase political and community support at different levels in high-risk areas, integrate reliable data and research findings in advocacy, protection and prosecution activities and improve monitoring of existing laws on the subject. A South Asian anti-trafficking information centre will be established to facilitate the collection and dissemination of relevant information. Several of the projects funded through the UNIFEM-administered Trust Fund in Support of Actions to Eliminate Violence against Women have also addressed trafficking in women and girls. These have included an educational and non-governmental organization coalition-building project to combat trafficking of high-risk girls and young women of the

Russian Federation and a film for advocacy at the grass-roots level in Nepal.

35. In addition to supporting studies on trafficking, the United Nations Children's Fund (UNICEF) collaborates with other United Nations bodies and non-governmental organizations in several projects that specifically address trafficking in women and children. For example, UNICEF and ESCAP have developed a project for the elimination of sexual abuse and sexual exploitation of children and youth in Asia and the Pacific in order to build the capacity of local governmental officials and non-governmental organizations, including through the formulation of curriculum and training materials and subregional training; UNICEF and the ILO International Programme for the Elimination of Child Labour have collaborated on an initiative to combat trafficking in children and women for labour exploitation in the Mekong subregion and South Asia that is developing guidelines on best practice and offers economic alternatives to trafficking victims and those at risk; UNICEF supports the United Nations Development Programme (UNDP) project on trafficking in women and children in the Mekong subregion that is preparing an inventory of activities to address trafficking, assessing gaps and creating mechanisms for coordination; UNICEF is also a partner with IOM in a project on the return and reintegration of trafficked women from China to Viet Nam, Thailand to Cambodia and Cambodia to Viet Nam that includes training components and the provision of psycho-social recovery assistance to victims, and also supports a project administered by the Mekong Regional Law Centre which is aimed at developing a practical programme to improve legislation and law enforcement. UNICEF also supports a project on children in need of special protection in Benin that includes awareness-raising components, child-rights advocacy and the provision of educational facilities for girl domestic workers.

36. Following the identification by the United Nations High Commissioner on Human Rights of trafficking as a priority issue, an Adviser to the High Commissioner on the issue was appointed, as was a Special Representative to support national and regional trafficking initiatives, who is based in Cambodia. A specific anti-trafficking programme to ensure the integration of human rights into international, regional and national anti-trafficking initiatives was created,

and an intra-office coordination group on trafficking established in order to maintain appropriate links among the various human rights mechanisms and the officers working with them. The emphasis of the programme has been on the development and promotion of legal standards and the provision of policy leadership. In this context, an informal note (A/AC.254/16) was submitted by the High Commissioner to the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime at its fourth session, held at Vienna from 28 June to 9 July 1999, emphasizing that the Convention and its accompanying protocols should not conflict with or otherwise undermine international human rights law. An inter-agency statement on the protocols was subsequently circulated by the Office of the United Nations High Commissioner for Human Rights, UNHCR, UNICEF and IOM at the eighth session of the Ad Hoc Committee, held from 21 February to 3 March 2000. The High Commissioner also communicated her views on the draft South Asian Association for Regional Cooperation (SAARC) convention against trafficking in women and girls to the Heads of Government of SAARC member States.

37. The Office of the High Commissioner has undertaken a number of different activities at the regional and subregional levels. In partnership with the Council of Europe, the Office is implementing a joint trafficking prevention programme for Eastern and Central Europe which is comprised of awareness-raising and training activities targeting vulnerable groups, in particular refugees and displaced women and girls, especially from Kosovo.

38. The field office of the High Commissioner at Sarajevo has collaborated with the United Nations Mission in Bosnia and Herzegovina (UNMIBH), local non-governmental organizations and other organizations, including IOM, to assist victims, facilitate the prosecution of traffickers and promote law reform and other preventive measures. In response to the growing evidence of trafficking in Bosnia and Herzegovina, the Office of the High Commissioner and UNMIBH launched a formal joint initiative to address the problem. The initiative, which emphasizes the protection of victims from a human rights perspective and as a secondary component works to increase the effectiveness of State authorities in this context, dealt with 40 separate cases of trafficking or possible

trafficking into Bosnia and Herzegovina involving 182 women between March 1999 and March 2000.

39. In September 1999, the field office of the High Commissioner at Sarajevo coordinated a round-table meeting on trafficking in Kosovo which resulted in recommendations directed at the international community on the issue in the context of reconstruction in Kosovo. The field office at Sarajevo continues to collaborate with other actors, including UNIFEM, the United Nations Interim Administration Mission in Kosovo, UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), IOM, the Organization for Security and Cooperation in Europe (OSCE) and local non-governmental organizations in the development of strategies to address trafficking.

40. The Office of the High Commissioner organized two workshops in Nepal in March 1999 which resulted in the formulation of recommendations to the Governments, civil society and the United Nations system, and the development of a pilot project on trafficking which will form part of the United Nations response to the issue in Nepal. National human rights institutions in the Asian and Pacific region have also been encouraged to address trafficking through a focal point system in order to facilitate the exchange of information and experience on the issue, a strategy that will be replicated in other regions. The Office has also provided travel and project grants to non-governmental organizations working on behalf of victims of trafficking through the Trust Fund on Contemporary Forms of Slavery.

41. Implementation of the global programme against trafficking in human beings, launched by the Centre for International Crime Prevention and Criminal Justice and the United Nations Interregional Crime and Justice Research Institute (UNICRI) in March 1999, has advanced. The global programme, which seeks to enable countries of origin, transit and destination to develop joint strategies and practical action against trafficking, has been planned and implemented in cooperation with international and regional organizations including UNICEF, UNIFEM, the European Union, the International Criminal Police Organization (Interpol), IOM and OSCE, as well as international and national non-governmental organizations, local institutions and experts. The programme addresses the issue of trafficking generally, rather than focusing specifically on trafficking in women and girls.

42. In addition to an in-depth assessment of trafficking trends, the programme's components include a series of technical cooperation projects, currently being carried out or prepared in countries in Africa, Asia, Europe and Latin America, which will test the effectiveness of anti-trafficking measures with a view to their being included in an international strategy against trafficking in human beings. Project activities to be carried out in cooperation with national counterparts are based on an analysis of the involvement of organized crime in the trafficking of human beings. A database containing examples of best practice will be established so that information can be available to policy makers, practitioners, researchers and non-governmental organizations.

43. The first of the technical cooperation projects, initiated in the Philippines, established a national inter-agency mechanism to coordinate the activities of the various international agencies that address aspects of trafficking, with information on the involvement of organized crime groups in trafficking being collected on the basis of a questionnaire developed by UNICRI. With the support of several Governments, a project to cover the Czech Republic and Poland has been initiated in Eastern Europe. Projects are being initiated in Brazil to assess routes and modalities used by organized crime groups to traffic human beings and in the West African region, where trafficking flows and the existing responses of governmental and non-governmental organizations, in particular with respect to the disappearance of children believed to be sold by traffickers for slave labour, will be assessed in Benin, Nigeria and Togo.

44. Although the involvement of UNHCR on trafficking issues has been limited, it has acted as a catalyst in bringing together intergovernmental and non-governmental organizations to address the situation of women and girls victims of trafficking in Albania. UNHCR hosts regular bi-weekly meetings on trafficking, as well as facilitating the exchange of information among interested organizations.

IV. Activities of other international bodies

45. The activities of IOM on trafficking include information campaigns and dissemination, research programmes, capacity-building for Governments and

other institutions, and the provision of assistance and protection, including return and reintegration of victims of trafficking. A programme to develop and expand awareness of best practice in statutory, governmental, non-governmental and voluntary agency efforts in trafficking of women and girls is being implemented in Bosnia and Herzegovina, Kosovo, Montenegro and The former Yugoslav Republic of Macedonia, while assistance and protection programmes for trafficked persons exist in Albania, Bangladesh, Belgium, Bosnia and Herzegovina, Kosovo, Thailand and Viet Nam. IOM is also implementing a global assistance programme which creates a mechanism for the provision of rapid, case-by-case assistance to women and children victims of trafficking outside their countries of origin who require immediate protection and support.

46. Within the European Union, efforts to address trafficking have included a second Communication to the Council and the European Parliament on trafficking in women, which was issued in December 1998 and which affirmed that the trafficking of women remained high on the agenda of the European Union and focused on the need for improved national, regional and international cooperation and coordination between authorities responsible for migration, justice and social affairs and non-governmental organizations and for links to be made between international and regional organizations, including the United Nations, the Council of Europe and the European Union. The "milestone" agreements reached by the European Council at its meeting held at Tampere, Finland, on 15 and 16 October 1999 called for the development, in close cooperation with countries of origin and transit, of information campaigns on possibilities for legal migration and the prevention of all forms of trafficking in human beings, and urged the adoption of legislation, including severe sanctions, against that activity. The Council also agreed that Member States, together with the European Police Office (Europol), should direct their efforts towards detecting and dismantling the criminal networks involved, while at the same time, securing the rights of victims, with special emphasis on the problems of women and children.²⁴ The Commission of the European Union is formulating proposals on the alignment of penal provisions of Member States on the issue, including on the granting of limited residence permits for victims willing to testify. Initiatives have also continued in the context of the STOP programme, an incentive and exchange

programme for persons responsible for combating trade in human beings and the sexual exploitation of children which aims to promote training and cooperation in regard to the issue, and the Daphne programme of community action on preventive measures to fight violence against children, young persons and women.²⁵

47. Activities of the Council of Europe have included research, awareness-raising and information and prevention campaigns, including a campaign conducted in Albania on the risks of trafficking, and collaborative activities with other organizations, including the United Nations. A multisectoral group on trafficking in human beings for the purposes of sexual exploitation, headed by the Steering Committee for Equality for Women and Men, was established in December 1997, to consider means of addressing trafficking. The work of that group, the final report of which was issued in March 1999, formed the background to the adoption by the Committee of Ministers of the Council of Europe of Recommendation R (2000) 11, on action against trafficking in human beings for the purposes of sexual exploitation. The appendix to the Recommendation includes recommendations relating to prevention, assistance to and protection of victims, penal legislation and judicial cooperation and coordination, and cooperation to be considered by Member States.

48. In late 1999, the Organization of American States launched a project in partnership with the International Human Rights Law Institute of De Paul University, Chicago, United States of America, on international trafficking in women and children in the Americas. Up to eight pilot countries have been selected for analysis, with results being expected to be presented to the Assembly of Delegates in November 2000.

49. Trafficking in women and girls is also a concern of OSCE, the Parliamentary Assembly of which in July 1999 adopted a resolution condemning sex traffickers and urging States to punish traffickers.²⁶ In June 2000, the OSCE Office for Democratic Institutions and Human Rights presented a proposed action plan for activities to combat trafficking in human beings to a meeting held at Vienna. Participants proposed a broad range of recommendations for action, including those concerning cooperation and coordination with other international organizations, national institutions and non-governmental organizations, and concerning support for victims.

50. Although the incidence of trafficking in women and girls remains unknown, it appears to be a growing problem, both as a result of the persistence of its root causes — poverty, and discrimination and inequality which prevent women from exercising control over their lives — and the proliferation of trans-border organized crime networks. Strategies to address these root causes are a priority for Member States and for the United Nations system of organizations and other organizations. At the same time, alternatives should be provided to women and girls who are particularly vulnerable to traffickers, and to the risks associated with informal migration.

51. Measures should be adopted at the international, regional and national levels to discourage traffickers. Member States should ensure that specific offences related to trafficking exist and are widely and clearly defined, and that the penalties for these offences should reflect the gravity of the crimes involved. International, regional, subregional and bilateral agreements should be reached so as to ensure and facilitate the prosecution of offenders, irrespective of location. States should consider the introduction of legislation incorporating extraterritorial provisions to facilitate prosecution of traffickers who may be abroad, as well as clear extradition procedures for trafficking-related offences. Judicial cooperation and information-sharing between States should be encouraged and facilitated.

52. While strong measures to discourage traffickers should be introduced, victims of trafficking should be protected and assisted, including through the provision of legal, physical and psychological assistance. Measures should be taken to encourage victims of trafficking to identify traffickers and act as witnesses in criminal prosecutions. Witness protection measures should be considered, and States should examine the provision of restrictions on deportation that have been introduced in a number of Member States and provisions that allow for compensation through criminal compensation schemes. The human rights of victims should be ensured and steps should be taken to ensure that victims are not criminalized or imprisoned. In particular, measures should be adopted to ensure the safety of trafficking victims and their families in the countries of origin, destination and transit.

53. Data and information on trafficking and legislative and other strategies to address to confront this problem should be collected and shared so as to allow for the exchange of experience and best practice.

Research into the precise scale and extent of trafficking and the modus operandi of traffickers should be encouraged so as to provide a concrete basis for legal and policy change, while experience in legal and policy change should be gathered and disseminated. In this regard, successful interventions and strategies in addressing this problem should be compiled and disseminated, including through the work of the Inter-Agency Committee on Women and Gender Equality.

Notes

¹ Responses were received from Austria, Belarus, Belgium, Cyprus, Denmark, Ecuador, Luxembourg, Malawi, Mexico, Nicaragua, Oman, Portugal, Thailand and Ukraine.

² Responses were received from: Department of Peacekeeping Operations, Department of Public Information, Statistics Division of the Department of Economic and Social Affairs, Centre for Crime Control and Criminal Justice of the United Nations Office for Drug Control and Crime Prevention, Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, Economic Commission for Africa, Economic and Social Commission for Asia and the Pacific, Economic Commission for Latin America and the Caribbean, Economic Commission for Western Asia, United Nations Development Programme, United Nations Children's Fund, United Nations Development Fund for Women, United Nations University, International Labour Organization, Food and Agriculture Organization of the United Nations and World Health Organization.

³ A response was received from the International Organization for Migration.

⁴ United Nations publication, Sales No. E.99.III B.43.

⁵ United Nations Office for Drug Control and Crime Prevention, *Global Report on Crime and Justice* (Oxford, New York, Oxford University Press, 1999), pp. 225-227.

⁶ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

⁷ For example, Ecuador's provisions on sexual crimes, procurement and corruption of minors, introduced in July 1998 in Act No. 106 and Mexico's 4 January 2000 decree amending various provisions of the Federal Criminal Code and Federal Code of Criminal Procedures.

⁸ Law 175 of 17 July 1997.

- ⁹ Law 87 of 16 February 1999.
- ¹⁰ Article 138, General Population Act.
- ¹¹ Law No. 3 (1) 2000.
- ¹² Law No. 61 (1) 96 as amended by Law No. 41 (1) 98.
- ¹³ Criminal Code, Articles 104a, 217 and 202.
- ¹⁴ Aliens Act, 1997, article 10.
- ¹⁵ Criminal Code 124-1.
- ¹⁶ *Official Records of the Economic and Social Council, 1999, Supplement No. 3 (E/1999/23), chap. II, sect. A.*
- ¹⁷ *Ibid.*, 2000, Supplement No. 3 (E/2000/23), chap. II, sect. A.
- ¹⁸ See E/CN.4/2000/2-E/CN.4/Sub.2/1999/54.
- ¹⁹ *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38 (A/54/38/Rev.1).*
- ²⁰ *Ibid.*, Fifty-fifth Session, Supplement No. 38 (A/55/38).
- ²¹ See CCPR/C/79/Add.108, CCPR/C/79/Add.109, E/C.12/1/Add.29, E/C.12/1/Add.43, CRC/C/15/Add.128, CRC/C/15/Add.124, CRC/C/15/Add.100, CRC/C/15/Add.115, CRC/C/15/Add.127, CRC/C/15/Add.113, CRC/C/15/Add.112, CRC/C/15/Add.114, CRC/C/15/Add.122 and CRC/C/15/Add.109, respectively.
- ²² United Nations publication, Sales No. E.00.XVII.14.
- ²³ Forced Labour Convention, 1930 (No. 29), the Migration for Employment Convention (Revised), 1949 (No. 97); the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the Minimum Age Convention, 1973 (No. 138).
- ²⁴ Presidency Conclusions, Tampere European Council (SN 200/99, paras. 22 and 23).
- ²⁵ Examples of Daphne-funded initiatives include "Crossing borders against trafficking in women and girls: a resource book for working against trafficking in women in the Baltic Sea Region", produced by Kvinnoforum, Sweden, in partnership with the Latvian Gender Problem Centre and the Monika Association in Finland (November 1999); and *Developing best Professional Practice for Reducing Sexual Abuse, Domestic Violence and Trafficking in Militarised Areas of Peacetime Europe*, by Catherine Euler and Daniel Welzer-Lang (Women's International League for Peace and Freedom, Geneva; Les Traboules and Equipe Simon, Toulouse, France; and Research Centre on Violence, Abuse and Gender Relations, Leeds, United Kingdom, March 2000).
- ²⁶ St. Petersburg Declaration of the OSCE Parliamentary Assembly, 10 July 1999.